(Sep. Revenue)

File No 16 of 95-96

Secs 1 — 6

Indexed

Asst. Tarcen

S. L. 16.7.95-96

Submitted

If this is viewed as a 'claim' connected with or arising out of proceedings for the realization of land revenue' or as a 'claim to set aside sales for arrears of land revenue on grounds other than irregularity mistake or fraud,' falling under Section 221 clause (c) of the Land Rev. Code, a suit in a civil court does not lie.

But the security amount, to recover which the lands were sold, cannot be said to be "Land Revenue" as defined in Section 219 L.R.C.

Para 2 of Section 193 L.R.C. provides that such societies shall be liable to be proceeded against under the provisions of Chapter XI as "revenue defaulters" This provision does not appear to be sufficient to give the security amount the character of "Land Revenue" so as to make the provisions of Chap. XIV applicable to this case.

If the bar in Section 221 be held not applicable, a suit would lie under the general law.

The case may perhaps be viewed as falling under clause (b) of Section 222 L.R.C., but it seems to me the suit in this instance will not be between private parties merely. The Govt. will necessarily have to be made a party for reasons explained below.

In the order passed by the Revenue Commissioner, it is stated that the sale must be presumed to have been held under Sec. 161 L.R.C., and that only the right, title & interest of Chikkaiah Gowda were sold. In the proclamations of sale however the following words occur :- [illegible] The expression "right, title and interest" is not used in them or in the attachment list or Haraj Patti. Thus the provisions of Sec. 161 do not appear to have been kept in view in the proceedings taken for the recovery of the arrears in question, and Govt. have apparently conveyed to the purchaser more than they can legally do.

It is a question for consideration whether in view of this circumstance the sale proceedings are not void.

The

the Katte & lands sold are said to be very valuable and the Amildar says that if a resale is ordered a larger sum will be realized.

The Petrs complain that no opportunity was given to them to examine their witnesses. In the absence of any provision in the Land Rev. Code as regards the investigation of such claims, the procedure laid down in the Civil Pro: Code will have to be followed, & this ~~do~~ appears to have been done as the delay in the presentation of the claim petitions has not been satisfactorily explained. The time which petitioners have for instituting a suit under the general law will expire in November next.

BR 1/9

Revised & rd/r.

" "

Apart from the question whether a suit is maintainable by the Petitioners the Govt reserved to a party to it, there is the question that the lands were sold absolutely & free from all other rights & encumbrances

Wherefore Plaintiff makes a Guarantee against Govt. of the Civil Court restraining defendants the Plaintiff from all or any of the Defendants & in a Guarantee whether the sale should not be set aside on the ground that it affected more than the right, title & interest which Plaintiff claims was liable to be sold - Favour of Consideration of Solicitors

23-9-96

If there is a strict regulation of the Premises which excluded in - circumstances the sale remains valid -

The case must be posted & notice issued to all concerned -

Meanwhile the Defendants could perhaps ascertain from Plaintiff by letter the value of more than the interest of the mortgagor sold -

24/9/96

Letter No 3309/151 & 19th Octr/97 from the Secn Govt.

One Gotaji Thimmappa took up the Contract of certain Toddy Vend farms of the Hiriyoor Taluk for 1894-95. The Contract amount is not forthcoming in the records. He fell into arrears, the amount due by him at the end of the Contract being 4569-4-10 (or 4702-12-2 at the end of October, with interest.)

2. The moveable and the immoveable properties belonging to him and his 3 sureties were auctioned & the whole amount due was recovered.

3. The sale of the landed property of one of the Sureties, viz: Chickkegowda, which had fetched Rs 2,103-4-0 was cancelled by G.O. No. 4992/P.820 Dt. 27th November, 1896 as there were other claimants, and as more than the right, title and interest of the said

decision.

†/ 4- The property on resale, ~~fetched~~ held by the Dhgovt only Rs 390; as it was only the right, title and interest of Chickkegowda in it that was sold, and as Survey No. 25- a katte which irrigates the lands and which was below it, ~~had been~~ erroneously included in the property of Chikkegowda and sold for 1005-Rs, had to be excluded being found ~~under kharab~~ land in the Survey accounts as kharab and ~~as such~~ not ~~to~~ belonging to any private individual. Thus the irrecoverable balance is Rs 1713-4-0 (i.e. +2103-4-0 − 390-0-0 = 1713-4-0), for the remission of which the Excise Commissioner may be requested to submit ~~for the order of the Govt~~ a formal remission statement, duly verified by the Comptroller, together with the connected records.—

The amount of the previous sale was fully recovered from the 1st purchaser. It has now to be refunded as the 2nd purchaser is altogether a different x Contained in the Note of S. R.

† From the 4th para. as rewritten and amended in the Note to S. R. of 97-98.

77-97

FILE NO. 160 of 95-96

SERIAL NO.

1896

No. 2906

Name of Petitioner, Dodda Hanumia, Hanumappa and Brothers Dodda Hanumia

Village, Sulya

Taluk, Hiriyur

District, Chitaldroog

Date of Arzi, 12-2-96

Date of Receipt, 15-2-96

Date of Disposal,

No. of Enclosure, 3.

Appeal against

Dy Cr's order declining to cancel a sale of a portion of land claimed by the Petrs

Duly stamped

& on time.

Submitted to the 2nd Councillor.

21/2/96 HBh

Call for report with the records of the case received

23/2/96

Order 25/2 drafted 2-3-96

ABSTRACT.

Appeal against the order of the Dy. Comr. Chitaldroog Dt. No. 4460/17-11-95 conveyed to him by the Hiriyur Amildar Endorsements Nos. 158, 159 & 1603/29-11-95 3/12

The order appealed against is as follows

Subsequent to the sale of the immoveable property belonging to Chikkeswara Patel of Nidrakere who had stood as security for Vasudeva Timmia who had taken up the Coddy Contract during 1894-95 for arrears due to Govt you submitted a petition to the Dy. Comr urging that you had shares in the property of the said Chikkeswara and that deducting your portions the sale of the remaining portion of the property should be confirmed and that your portions should be released. Upon were Examin-

were are not sufficient grounds to admit your allegation.

The petitioners case

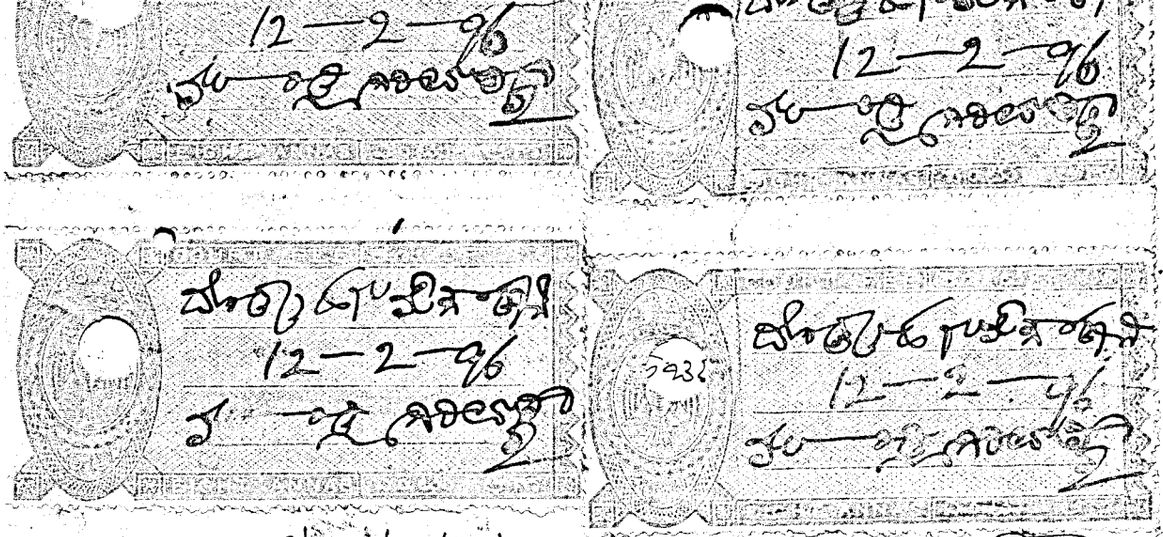
about 3 years ago Veluru Sowda, Veracheli Mesowda and Nodi Kaumma built a tank at Thoravakeri, Hiriyur Taluk at an outlay of Rs. 5000 They continued to cultivate the lands below the tank and enjoy the produce together and enjoy their respective portion of the produce during several Settlements the portion of the lands was known as Veluru Sowdas name & of Nodi Kaumma is alive.

On the death of Veluru Sowda the patta of the lands were transferred in the son Dodda Sowdas name as the said three individuals had belonged to different families they did not like to enjoy the lands together. Consequently they ascertained the lands among them and demarkated their respective portions which they have been enjoying for the last 20 years. On the death of Dodda Sowda the patta of the lands was made in the son Veluru Sowda. Chikka Sowda.

In 1880 when the servants of Chikka Sowda had been charged with Mahalar for the ground that they had no lands in their holdings they represented to the authorities that they had lands in their holdings - but that they had been registered in the Patta of Chikka Sowda only nominally - and that the said Chikka Sowda had admitted this fact in his deposition before the Amildar which is filed with the Sale proceedings - All of them have Shares in Each survey No. as particularised in the Schedule annexed hereto.

Chikka Sowda, Dasa Sowda and Kaumma stood as Security to Kasi Kumma who had taken up the Sandi Contract at Hyanagala during 1894-95: the amount for which they had stood as Security was Rs. 839/- The Contractor became a defaulter to the Extent of Rs. 4000/-. If the Excise authorities had sold the Shop at the time when the Contractor failed to pay his first instalment there would not have been any occasion for the arrears to run up to such a large account - One of the Security died before the first instalment fell into arrears - Consequently his responsibility ceased according to Contract act. Inspite of it all their property was sold making them responsible for the Sum of Rs. 4000/- although they were responsible only for the Sum of Rs. 839/- only Moreover a Sum of Rs. 2020-4 has been recovered by the Sale of the lands referred to in the Schedule in the patta of Chikka Sowda - They were not aware of the Sale of the lands till they were actually sold. Subsequent to the Sale they represented to the Dy. Commr. that all the lands comprised in Chikka Sowdas Patta did not belong to him that they contained portions belonging to them and that consequently the Sale should be cancelled. The Amildar to whom the matter was referred for Enquiry found them certain Suggestions, and submitted his report without allowing them an opportunity to represent their grievances fully. On this the Dy. Commr passed the order now appealed against.

If the Dy. Commr had enquired the neighbouring villages they would have confirmed their statement - viz that they have been enjoying their respective portions since Chikka Sowda



Stamp paper four of Eight annas

Suit No. 116 of 1895-96

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 2906
DATE 15-2-96

ಇ.ಸ.1880ನೆ ಆಲಸಿಂಗಪುರದಲ್ಲಿ :- ಆಲಂ ಸಾಬ್ಬೆದಾರ ಚಿಕ್ಕಪ್ಪ ಸೈಯದ್ ಖಾಸಿಂ ಚಿಕ್ಕಪ್ಪ 3
ಮೊತ್ತಾದವರನ್ನು, ಮೊಲ್ಲಾ ಪ್ರಮುಖರನ್ನು ಬೆಳಿಸಲಾಯಿತು, ಚಿಕ್ಕಪ್ಪ, ಸಂಸ್ಥೆಯ ಆಲಂ ಚಿಕ್ಕಪ್ಪನ ಸಾಧನೆ
ಗಳನ್ನು ಕಾರ್ಯಕರ್ತರಿಗೆ ಬೆಳಿಸಿದರು, ಅಂಬಾಳಿಪ್ಪ, ಆಲಂ ಸಾರಥಿಗಳಿಗೆ ಬಿಡುವಿಲ್ಲದ ಕಾರ್ಯ
ದಲ್ಲಿರುವುದರಿಂದ ಆಲಂ ಸಾರಥಿಗಳಿಗೆ ತೊಂದರೆಯಾಗಬಾರದೆಂದು ಮಾಂಸಾಹಾರವನ್ನು ಪ್ರಾಯೋಗಿಕವಾಗಿ ಆರಂಭಿಸಿದರು
ಆ ಸಂದರ್ಭದಲ್ಲಿ ನಡೆದ - ಅಪ್ಪಾಸಿಯವರಿಂದ ಬಿಡಿಸಿದ್ದು ಹೇಗೆ - ಆಲಂ ಸಾರಥಿಗಳ ಸಮಸ್ಯೆ ಚಿಕ್ಕಪ್ಪನ ತೀರ್ಮಾನ
ಪ್ರಸಂಗವನ್ನು ಹೇಳಿದ್ದೀರಿ ಆಲಂ ಸಾರಥಿಗಳ ಸಮಸ್ಯೆಗಳನ್ನು ಚಿಕ್ಕಪ್ಪನವರು ಹೇಗೆ ಪರಿಹರಿಸುತ್ತಿದ್ದರು ಎಂಬುದನ್ನು
ವಿವರಿಸಿ - ಆಲಂ ಸಾರಥಿಗಳಲ್ಲಿ ಅನಕ್ಷರಸ್ಥರೇ ಹೆಚ್ಚಾಗಿದ್ದರು - ಅವರಿಗೆ ಪತ್ರ ಬರೆಯಲು ಓದಲು ಬರುತ್ತಿರಲಿಲ್ಲ
ಅವರಿಗೆ ಪತ್ರ ಬರೆಯಲು ಓದಲು ಬರುತ್ತಿರಲಿಲ್ಲ ಅವರಿಗೆ ಪತ್ರ ಬರೆಯಲು ಓದಲು ಬರುತ್ತಿರಲಿಲ್ಲ

ಅಂತಿಮ ಪಾಲು ನಾಗರಿಕ್ಷಿಕ ಪ್ರಾಂಶುಗಳ ಕಂಡಾಯ. ಸಾಕ್ಷಿ ವಿಚಾರಣೆಯ ಮೇಲೆ ಸಲಾಂ ರವರ ಅಂತಿಮ ವಾದ ಮಂಡನೆಯಾಗಿ ಪ್ರಕರಣವು ತೀರ್ಪಿಗೆ ಕಾಯ್ದಿರಿಸಲಾಗಿದೆ.

5- ಪಾಲಿಕಾಂಚೆ ಸಿಬ್ಬಂದಿಯವರು ಸಲ್ಲಿಸಿರುವ ವರದಿಯಲ್ಲಿ ಸಲಾಂ ರವರು ತಾವು ಸ್ವಾಧೀನದಲ್ಲಿ ಅನುಭವದಲ್ಲಿರುವ ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ ಎಂದು ತಿಳಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಆದರೆ ಸಲಾಂ ರವರು ಸಲ್ಲಿಸಿರುವ ಆಕ್ಷೇಪಣೆಯಲ್ಲಿ ಅವರು ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಂದಾಯ ಪಾವತಿಸಿರುವ ರಸೀದಿಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಾಗಿ ತಿಳಿಸಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಆದರೆ ಸಲಾಂ ರವರು ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸಲಾಂ ರವರು ಸ್ವತ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಯಾವುದೇ ದಾಖಲೆಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲವಾದ್ದರಿಂದ ಸಲಾಂ ರವರ ಆಕ್ಷೇಪಣೆಯನ್ನು ಪುರಸ್ಕರಿಸಲಾಗದು ಎಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿರುವುದು ಕಂಡುಬರುತ್ತದೆ.

ಬೆಳಗಾವಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಬಹುಸಂಖ್ಯಾತರಾದ ಮರಾಠಿ ಭಾಷಿಕರು ಕರ್ನಾಟಕ ಏಕೀಕರಣ ಚಳವಳಿಯಲ್ಲಿ
ಕೈಜೋಡಿಸಿದ್ದು ಮಾತ್ರವಲ್ಲದೆ ಅನೇಕ ಮರಾಠಿ ಸಾಹಿತಿಗಳು ಕನ್ನಡ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತಿನ
ಸದಸ್ಯರಾಗಿ ಕನ್ನಡ ಸಾಹಿತ್ಯ ಸೇವೆಯಲ್ಲಿ ತೊಡಗಿಸಿಕೊಂಡಿದ್ದಾರೆ.

ಬೆಳಗಾವಿ ಜಿಲ್ಲೆಯಲ್ಲಿ ಕನ್ನಡ ಸಾಹಿತ್ಯ ಪರಿಷತ್ತಿನ ಶಾಖೆಗಳು ಸ್ಥಾಪನೆಯಾಗಿ ಕನ್ನಡ
ಸಾಹಿತ್ಯ ಸಂಸ್ಕೃತಿಯ ಬೆಳವಣಿಗೆಗೆ ಪೂರಕವಾದ ಕಾರ್ಯಕ್ರಮಗಳನ್ನು ಹಮ್ಮಿಕೊಳ್ಳಲಾಗಿದೆ.

1805

20-65-95-96

5-3-96

SECTION R A

FILE NO. 16-95-96

SERIAL NO. 2

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 2906 dated 12-2-96 received at the Dewan's Office from Dodda Hanumia and others of Gilya village, Hiriyur Taluk, appealing against the Chitaldrug Deputy Comr's order declining to cancel the sale of their portion of lands held for the recovery of arrears due by one Chikke Gowda

is forwarded, together with its three four enclosures, to the Deputy Commissioner of the Chitaldrug District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order,

Draft-

for Chief Secretary.

BANGALORE,

3-3-1896 } 3/3

5

2-3-96

M.G.C.P.B.—25-4-95—1,000

Gen. Serial No. 30.]

FILE No. R 575-96

SERIAL No. 3

Rec'd 189.6

1 APR 96

DEWAN'S OFFICE.

From The Deputy Commissioner Chitaldrug Distt

To

The ~~Chief~~ Secretary to the Government ~~Dewan~~ of Mysore.

Rev: and General Deptt.

Dated 10th

Despatched 13th April 1896

Received

Enclosures No. 5 & Record duly separately.

General No. 814

No. 523

In reply to

SUBJECT.

Submits a report, with the Vernacular proceedings, on the appeal petition presented by Dod Hanumayya and others of Goolya Village in the Hiriyur Taluk, praying for the Cancellation of the sale of their portions of certain lands held for the recovery of arrears due by one Chikke Gowda.

References (to be entered only in the Dewan's Office.)

Rev. Dept
15/4/96

95

Subd with reference to the Hon. Councillor's order at Simla 96

Petrs' claims to portions of property attached & sold as the property of one Chikke Gauda were rejected by the Dy Commr. Whether an appeal lies from such an order is a question for consideration. If it is held that an appeal does lie, this will be a counsel case.

BR 19/4 Under Secy

21-4-96

The sale of the land was, it must be presumed, held under Sec 161 of the L. R. Regns as the area of ~~the~~ was not of the lands in question & they could not be forfeited under the provisions of Secs 15 9, 55 & 56 of the Code. said Regulation. The right title & interest of Chikkagowda alone have been sold the sale does not affect the rights of Petrs which they are at liberty to establish in a Court of justice - In this

new of the case
it is unnecessary
to make any
summary order
against the
alleged expiring
the Rules - the
Endorsement
will be given
to them in the
terms of a draft
sent to the Dy
Comm

4.9.96

Rec'd 9-9-96

9-9-96.

No: 814. Ex: 623. 5f Record sent Separately.

Deputy Commissioner's office
Chitaldrug District
Camp Challakere
Dated 10th April 1896.

To

The Secretary to the
Government of Mysore
Revenue and General Departments.

Sir,

With reference to your official memorandum No Poli 1605 dated the 3rd ultimo forwarding an appeal petition from Doddahanmaiya and others of Gulya village appealing against my orders declining to cancel the sale of their portions of certain lands held for the recovery of arrears due by one Chikkegowda and calling for the submission of the entire proceedings connected with the case together with a full report of the facts of the case and on the points urged in the petition, I have the honor to state as follows:—

2 One Gosayi Thimmaya had taken up the contract of certain toddy farms in the Hiriyur Taluk for the year 1894-95,

&c

He fell into arrears with the
government to an extent of
Rs. 4702-12-2 at the close of the year.
Coercive measures were duly
adopted and the outstanding
balance was recovered by distress
and sale of the personal and
the landed properties belonging
to the defaulting farmer and
his three sureties viz 1. Chikkegowda
of Bidenkeré, 2. Dasegowda of
Hosahally since dead and 3.
Gonchigar Thimaiya

3. Lands bearing Survey Nos
2, 3, 12, 15, 17, 18, 19, 52, 25, 20, 21, 54, 56,
60, 63, and 66 in the Bidenkeré village
belonging to the 1st of the Sureties,
Chikkegowda were sold by
public auction in satisfaction
of the arrears due by the defaulter
pursuant to the sale notice
on the 10th and 11th August 1895
and the sales were subsequently
confirmed on the 16th November
1895.

4. On the 22nd August 1895—

the

(Gulyada Doddahammaiya and Hammaiya son of Kodi-Hammaiya) and on the 26th idem, the 3rd appeal petitioner Bidarkere Doddahammaiya presented their applications, the first two alleging that they each possess 1/3rd share in Survey nos. 17, 18 and 19 and the 3rd the whole of Survey nos. 12 and 54 and 1/5th share in Survey nos. 3, 17, 18, 19, 20, 21, 52, 63 and 66 whose pattas stand in the name of the 1st surety Chikkégowda, the former in consideration of their ancestors having raised a katté at a cost of Rs. 4000 jointly with Chikké-gowda's ancestors 30 or 35 years ago and the latter as being one of the divided family members viz the paternal uncle of Chikkégowda and they all relied upon a statement said to have been given by Chikkégowda before the

the Amildar of the Arsiqere
Taluk on the 27th October 1880
acknowledging the title of the
first two appellants to a share
in Survey Nos 17, 18, 52 and 19
and of the 3rd appellant to
1/5th share in all the 12 numbers
mentioned in it and solicited
to redeem their portions of the
lands from attachment and
sale. They further stated that
they were paying their proportionate
assessment to Chikkegowda
who however denied having
executed the statement vouched
for by the Appellants and of
having received any assess-
-ment from them. He had
further stated that whenever
he found it impossible to
cultivate all his lands he
used occasionally to sublet
some of them to the appellants
for cultivation on recovering the
Cundayem due on them (vide
their statements received with

Amildar's Report No 99 Dt 4.11.1895)

5. The petitioner's claim is entirely based upon the statement mentioned in the preceding para. The statement was found in the Taluk Records it is true and bear the signature of Shikkégowda, the surety. It is however not authenticated by the signature of the Amildar or any other responsible officer and is moreover vague and inconsistent, for instance in the former part it is stated that the persons mentioned therein are entitled to a share in the lands while towards the end of it, it is stated that they are Shikmidars The deponents' age is mentioned there as 18 years. Considering his present age and the date on which this statement was taken, it looks as if the deponent was not of age when the statement

Statement was given. Taking all these facts into consideration and seeing that the appellants put in their claims only at the eleventh hour though the property was under attachment more than a year I did not consider it advisable to allow their claim.

6. The Vernacular records connected with the case together with the petition of appeal are herewith submitted.

I have the honor to be
Sir
Your most obedient Servant

Illegible
Ag: Deputy Commissioner.

Received No. 314 Dt. 5
Dt. 24.10.96

Early

Dated 22-10-96

Ref
27

OFFICE OF THE
23 SEP. 96

ನಂಬರ್ 50-11

ಹುಜೂರುದಿನ್ನಾ ಕಛೇರಿಯಿಂದ.

ತಾಲ್ಲೂಕು ಅನುಶೆದಾರ್‌ಗೆ ಬರಸಿ

ಕಳುಹಿಸಿದ ನಿರೂಪ ಅದಾಗಿ—

ಇಲ್ಲಿನ ಸ್ಟ 189 ನೇ...96ನೇ ಇಸವಿ ರೆವಿನ್ಯು ಅಪೀಲ್ 116 ನೇ ನಂಬರು

ವೊಕದ್ದಮೆಯ ಫಿರ್ಯಾದಿಗಾರರು ವಗೈರೆಯವರ ಹೆಸರಿಗೆ ತಯಾರಾದ

11 ನೋಟೀಸುಗಳನ್ನು ಇದರ ಹಮರಹಾ ಕಳುಹಿಸಿರುತ್ತೆ. ಕ್ರಮ ಪ್ರಕಾರ

ಜಾರಿಯಿಂದ ಅಸಲ್ ನೋಟೀಸುಗಳನ್ನು ಕೂಡ್ಲೆ ಈ ಆಫೀಸಿಗೆ ವಾಪಸ್ ಕಳುಹಿಸತಕ್ಕದ್ದು.

ಬತಾರೀಖು 28 ನೇ ಮಾಹೆ ಸೆಪ್ಟೆಂಬರ್ 1896 ನೇ

ಇಸವಿ, ದರಜಾಗಾ

By order,

for Revenue Secretary.

22215
209

ನೋಟೀಸ್.

28 SEP. 96

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1895-96 ನೇ ಇಸವಿ ರೆವಿನ್ಯು ಅಪೀಲು ನಂಬರು. 116

ಅಪೀಲು ವಾದಿಗಳು

[illegible]

ಅಪೀಲು ಪ್ರತಿವಾದಿಗಳು

[illegible]

ವಿಷಯವು.

[illegible]

ಮೇಲಿ ಕಂಡ ಅಪೀಲುವಾದಿ [illegible]

ನೀವು ಚಿತ್ರದುರ್ಗ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ಹುಜೂರಿಗೆ ಗುಜರಾಯಿಸಿದ 1896 ನೇ ಇಸವಿ ನವೆಂಬರ ಮಾಹೆ 12 ನೇ ಮರಕುಮಿನ ಅಪೀಲು ಅರ್ಜಿಯು, 1896 ನೇ ಇಸವಿ ಅಕ್ಟೋಬರ್ 29 ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಂಗಳೂರಿಂದುವೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ಣ 11 ಘಂಟೆಗೆ ನೀವು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು.

ಬತಾರೀಖು 26 ನೇ ಮಾಹೆ [illegible] 1896 ನೇ ಇಸವಿ, ವೊಕ್ಕಾಂ [illegible]

By Order,

Ramakrishna Upadhya

For Revenue Secretary.

S.V.

ನೋಟೀಸ್.

28 SEP. 96

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1895-96. ನೇ ಇಸವಿ ರೆವಿನ್ಯೂ ಅಪೀಲು ನಂಬರು ... 116

ಅಪೀಲು ವಾದಿ ಸಕ್ಕರೆ

ಅಪೀಲು ಪ್ರತಿವಾದಿ ಸಕ್ಕರೆ

ವಿಷಯ.

ಮೇಲೆ ಕಂಡ ಅಪೀಲುವಾದಿ ನಿಮ್ಮ ಮೇಲೆ ಮಾಡಿರುವ ಅಪೀಲಿನ ಕಾಗದವು ಈ ಕಚೇರಿಗೆ ಬಂದಿರುತ್ತದೆ.

ನೀನು ಸಕ್ಕರೆ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ಹುಜೂರಿಗೆ ಗುಜರಾಯಿಸಿದ 1896 ನೇ ಇಸವಿ ಫೆಬ್ರವರಿ ಮಾಹೆ 12 ನೇ ಮರಕುಮಿನ ಅಪೀಲು ಅರ್ಜಿಯು, 1896 ನೇ ಇಸವಿ ಅಕ್ಟೋಬರ್ ತಿಂಗಳು 29 ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಳಗಾವಿ ಜೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿನಸ ಪೂರ್ವಾಹ್ಣ 11 ಘಂಟೆಗೆ ನೀನು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗ ಬೇಕು.

ಬತಾರೀಖು 28 ನೇ ಮಾಹೆ ಸೆಪ್ಟೆಂಬರ್ 1896

ನೇ ಇಸವಿ, ಜೊಕ್ಕಾಂ ಬೆಳಗಾವಿ

By Order,

Ramachandra Ayyappa

For ~~Revenue~~ Secretary.

Before the Government of ~~His Highness the Maharaja of~~ Mysore.

Appeal No. 116 of 1895-96.

Appellants.	Vs.	Respondents
1. Doddahanumaiya 2. Hanumaiya, son of K. Hanumaiya 3. Dodda Hanumaiya son of Belur Gonda		1. Gosayi Timmaiya 2. Chikke Gonda 3. Hanumaiya son of Hanumaiya

~~Decision.~~

Notices served.

29. 10. 96.

Appts and Respts 2 & 3 present.

Arguts heard.

Order pronounced

Appeal No. 116 of 1895-96

Appellants

1. Dod Hanumaiya
2. Hanumaiya Son of K. Hanumaiya.
3. Dod Hanumaiya Son of Belur Gowda.

Respondents.

1. Gosaye Timmaiya
2. Chicke Gowda
3. Hanumaiya Son of Hanumaiya.

Dispute regarding sale of Survey Nos: 3, 12, 17 &c of Bidarekere Hiriyur Taluk

List of Papers.

1. Appeal Petition.
2. Appellant's Memorandum.
3. Dy. Commissioner's report dated 13-4-96
4. Office Note.
5. Docket of the Dy. Commr. d 29-9-96.
6. Dy. Commissioner's further report d. 23.10.96
7. Records of the case.

2

Cancel the sale
as it is invalid
as much as it
is as much little
exceeds the upset
& interest. Meerpool do
Comville
the needful to
receive the arrear premium
receive the interest the
29/10/76 due & forfeit by Nelli
Zuhri title insured
or Meerpool in
Anagram Comville
be Meerpool debited
for the purpose
Nelli

29th

ನೋಟೀಸ್.

28 SEP. 96

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1895--96.ನೇ ಇಸವಿ ರೆವಿನ್ಯು ಅಪೀಲು ನಂಬರು 116 .....

ಅಪೀಲು ವಾದಿ

ಅಪೀಲು ಪ್ರತಿವಾದಿ

ವಿಷಯ.

ಮೊದಲಿನಂಜ ಅಪೀಲು ಪ್ರತಿವಾದಿ ಗೆ

ಅಪೀಲು ವಾದಿ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಅಪೀಲು 1896 ನೇ ಇಸವಿ ಅಕ್ಟೋಬರ್ 29 ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಂಗಳೂರಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ಣ ಘಂಟೆಗೆ ನೀನು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗ ಬೇಕು.

ಬತಾರೀಖು 28 ನೇ ಮಾಹೆ ಸೆಪ್ಟೆಂಬರ್ ಗೆ 1896 ನೇ ಇಸವಿ;

ಮೊಕ್ಕಾಂ ಬೆಂಗಳೂರು

By Order,

Ramachandra Rao

For Revenue Secretary.

S.V.

(4)

ನೋಟೀಸ್.

ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1895--96 ನೇ ಇಸವಿ ರೆವಿನ್ಯು ಅಪೀಲು ನಂಬರು 116

ಅಪೀಲು ವಾದಿಗಳು—

ಅಪೀಲು ಪ್ರತಿವಾದಿಗಳು—

ವಿಷಯ.

ಮೇಲೆಕಂಡ ಅಪೀಲು ಪ್ರತಿವಾದಿ ಗೆ

ಅಪೀಲು ವಾದಿಗಳು ಮೇಲ್ಕಂಡ ಹಾಲಾಡಿಯ ಶಿಸ್ತು ತಪ್ಪಿಸ್ಥರಕ್ಕು ತಪ್ಪ್ಯಾಟ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಅಪೀಲು 1896 ನೇ ಇಸವಿ ಅಕ್ಟೋಬರ್ 29 ನೇ ತಾರೀಖಿನ ದಿವಸ ಬೆಂಗಳೂರು ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ಣ 11 ಘಂಟೆಗೆ ನೀನು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗ ಬೇಕು.

ಬತಾರೀಖು 28 ನೇ ಮಾಹೆ ಸೆಪ್ಟೆಂಬರು 1896 ನೇ ಇಸವಿ;

ಮೊಕ್ಕಾಂ ಬೆಂಗಳೂರು

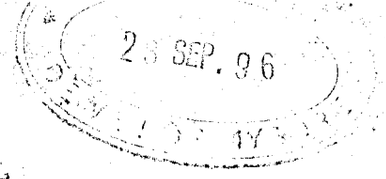
By Order,

Ramachandra Rao

For Revenue Secretary.

L.

ನೋಟೀಸ್[6].



ಹುಜೂರ್ ದಿವಾಣ ಕಚೇರಿಯಿಂದ.

1895-96ನೇ ಇಸವಿ ರೆವಿನ್ಯೂ ಅಪೀಲು ನಂಬರು 116 .....

ಅಪೀಲು ವಾದಿಗಳು

ಹಿರಿಯೂರು ತಾಲ್ಲೂಕು ಗೂಳ್ಯದಹಳ್ಳಿಯವ
ನಾದ ಬೊಮ್ಮಪ್ಪನು ಮಂಯ್ಯನವರ ಮೊಮ್ಮ
ಗನು ಮಂಯ್ಯನವರ ಮಗನಾದ ಬೊಮ್ಮಪ್ಪನು ಮತ್ತು
ಈತನ ಚಿಕ್ಕಪ್ಪನಾದ ಬೊಮ್ಮಪ್ಪನ ಮಗನಾದ ಬೊಮ್ಮಪ್ಪನು ಮತ್ತು

ಅಪೀಲು ಪ್ರತಿವಾದಿಗಳು.

ತಾಲ್ಲೂಕ ಕೆಮ್ಮಣಕೆರೆ ಗ್ರಾಮದ
ರಂಪುರದಹಳ್ಳಿಯವಳಾದ ಸಾಯಿತಿಮ್ಮ
ಳ್ಳನ ಮಗಳಾದ ಚಿಕ್ಕಲಿಂಗಮ್ಮಳು ಮತ್ತು
ಈಕೆಯ ಮಕ್ಕಳಾದ ಹುಚ್ಚಯ್ಯ
ನು ಮತ್ತು ಸಣ್ಣ ಮಗಳಾದ ಪೆಂಚ್ಚಳ್ಳ
ನು ಮತ್ತು ಸಣ್ಣ ಮಗನಾದ ಪೆಂಚ್ಚಳ್ಳನು ಮತ್ತು

ನಿಷ್ಪಯೋ.

ಮೇಲಿನ ಅಪೀಲು ಪ್ರತಿವಾದಿಗಳಿಗೆ ನಿಂದಬರಬಹುದಾದ ನೆಲಂದಿ ಇಷ್ಟಾಲಿಂಗಾಲಾಗಿ ಬಾ
ಕಿ ಕಾರಿಡರಾಳ್ಳಿ ಮೂಲಕಲ್ಲು ಪ್ರತಿನಿಧಿಯವರಿಲ್ಲಿ ಬಾಕಿಯಿರುವ ಕಿರೀದಾ ಹನಿಯಾ
ತಿ ಬಾಕಿತಿಬಿದರಕೆಳಸಲ್ಲಿ ತಾ, 12, 17ನೇ ಸೈಕೆ 112ಂ ಇತಿಖಮಿಗೆ ಸಲ್ಲಿಸಿಕೊಡಲಾಗಿತ್ತು.

ಮೇಲೆಕಂಡ ಅಪೀಲು ಪ್ರತಿವಾದಿಗಳಿಗೆ ಮತ್ತು ಅವರ ಪರವಾಗಿ ಹಾಜರಾಗುವವರಿಗೆ

ಅಪೀಲು ವಾದಿಬೊಮ್ಮಪ್ಪನವರು ಸಲ್ಲಿಸಿರುವ ಅರ್ಜಿಯ ಪ್ರಕಾರ ——————

ಚಿತ್ರದುರ್ಗ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಡೆಪ್ಯುಟಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ
ಅಪೀಲು 1896 ನೇ ಇಸವಿ ಅಕ್ಟೋಬರ್ ತಿಂಗಳು ——— 29 ನೇ ತಾರೀಖಿನ ದಿವಸ ಚರ್ಚೆಗೆ ಬರುವುದಾಗಿ
ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವದ್ದರಿಂದ, ಆ ದಿವಸ ಪೂರ್ವಾಹ್ಣ 11 ಗಂಟೆಗೆ ನೀನು ಈ ಕಚೇ
ರಿಗೆ ಹಾಜರಾಗ ಬೇಕು.

ಬತಾರೀಖು 28 ನೇ ಮಾಹೆ ಸೆಪ್ಟೆಂಬರ್ ——— 1896 ನೇ ಇಸವಿ,

ಮೊಕ್ಕಾಂ ಚಿತ್ರದುರ್ಗ

By Order,

Ramachandra Rayappa

~~Recorder~~ Secretary

SECTION

FILE No.

SERIAL No. 76

The Deputy Commr
Chitaldroog Dt

No 3527 & P 535 & 29.9.96.
(Encl V. Resd)

His letter No 814/523 dated 13th April 1896 submitting the records relating to the sale of certain lands in the Khata of Patel Chikke Gauda of Bidrakere for the recovery of sums due by Gosai Timmaraji in respect of his todda contract

---

In returning the records in reference and submitting, has the honor to invite the attention of the Dy Commr
(1) to the Jafti Patti dated 24th March 1895 and the Haraj Patti dated 10th and 11th August 1895 relating to the lands in question, which do not contain the expression right, title and interest of the said Chikke Gauda therein, and
(2) to the two proclamations

of
& Sale dated 28th March 1895 and
20th June 1895, which in explicit
terms state that the lands would
be sold absolutely, free from
all incumbrances; and

to request that the Dr Commr
will be so good as to state how
he will justify the sale of more
than the right, title & interest
of Chikkle Gauda

2. An early reply is requested
on the appeal presented by Dod
Hanumanga & others, whose claim
to a portion of the lands was rejected,
stands posted to ~~the~~ 29th proximo.

By order

29/9

Jr Secretary

Gen. Serial No. 30.]

Ref No. 307.

1896

FILE No. L 07285-96

SERIAL No. 5

From The Deputy Commissioner Chitaldroog District

To

The ~~Chief~~ Secretary to the Government of ~~Dewan~~ Mysore.
General and Rev: Depts:

Dated 23d October 1896.

Despatched

Received

Enclosures No. One record -

General No.

Camp No. C.

In reply to

SUBJECT.

Submitting a record in connection with the sale of certain lands for arrears due by Godayi Timmaiya a toddy farmer of the Yeddehalli Hirinjur Taluk.

References (to be entered only in the Dewan's Office.)

Off office please

24/10/96

Camp No: C. 2nd: Record as per Index.

Office of the Deputy Commissioner of Chitaldrug Camp Mysore

Dated 23rd October 1896

From

The Deputy Commissioner
Chitaldrug district

To

The Secretary to the Government of Mysore

Revenue and General departments.

Sir

I have the honor to acknowledge receipt of your docket No. 35-27 / 95-35 dated 30th ultimo, regarding the sale of certain lands for arrears due by Gosayi Timmaiya, a Toddy farmer of the Hiriyur Taluk.

2. In reply, I beg to state that the sale of anything more than the

the right, title and interest of the defaulter and his security in the lands sold cannot be justified, as the sale was not for arrears due on the lands themselves. The sale Notification was therefore, I beg to state not quite in proper form in this respect.

3. The appellants however appear to me to have no grievance in this case as their claim, which was presented long after the time prescribed, had expired, was duly considered before the sale was confirmed.

4. The Vernacular papers on the subject are retransmitted

I have the honor
to be, Sir
Your most Obedient servant

Deputy Commissioner
Chittal drug District

SERIAL No.

Proceedings of the Govt of Mysore.

Read:—

(1) Petition of appeal No 116 of 1895-96, presented by Dodda Hanumaiya and Hanumaiya of Gulya and Dodda Hanumaiya son of Belure Gonda of Bidarekere, Hiriyur Taluk, against the order of the Deputy Commr of Chitaldrug dated 17th Nov: 95, declining to cancel the sale of portions of certain lands in Bidarekere in the Khata of one Chikke-Gonda, which were sold for arrears of excise revenue.

(2) Letter No $\frac{814}{5-23}$ dated 10th April 1896, from the Deputy Commr Chitaldrug District, reporting that for realization of the arrears of excise revenue due by the Toddy-contractor Gorayi Timmaiya, 16 lands

in Bidarekere, ~~which land was~~
in the Taluk of Chikka Gonda,
one of the sureties of the defaulting
contractor, were sold, by public
auction, on the 10th and 11th August
1895; that before the sale was
confirmed, the appellants ~~petitioners~~
~~petitions~~ claimed certain portions
of the lands ~~sold~~, relying on
a statement said to have
been given by Chikka Gonda
before the Amildar in 1880, acknow-
ledging their claims ~~of the appellants~~,
and solicited release of their
portions of the lands from attach-
ment and sale; and that,
~~chiefly~~ under the circumstances
connected with the said state-
ment, he did not consider it
advisable to allow their claim.

(3) Docket No $\frac{35-27}{P.\ 535}$ dated
29th September 96 from the
Secretary to the Govt; General & Rev.
Depts to the Deputy Commr,
Chitaldrug District; inviting
his attention to ~~to~~ the defi-

~~Patte~~ and ~~the~~ Nasaz Patte relating to the lands in question, which ~~do~~ this not contain the expression 'right, title and interest' of Chickle Gonda therein, and ~~&~~ to the sale proclamation which in express terms states that the lands would be sold absolutely, free from all encumbrances, and requesting him to state how he would justify the sale of more than the right, title and interest of Chickle Gonda

(4) Letter ~~No~~ Camp No 6, dated 23rd October 1896 from the Deputy Comm^r, Chital-drug District, stating ~~in reply to the above docket~~, that the sale of any thing more than the right, title and interest of the defaulter and his surety in the lands sold cannot be justified, as the sale was not for arrears due on the lands

themselves, and that the sale notification was therefore not quite in proper form in this respect.

—w—

Order thereon. No. 4992 / P. 820 27.11.96.

The sale of the lands, being invalid, inasmuch as it exceeds the right, title and interest of the registered occupant, ~~in them~~ is cancelled. The Deputy Commr will do the needful to recover the arrears of revenue due to Govt, by selling the right, title and interest of Chickkegunda, or otherwise. An Assistant Commr may be specially ~~Deputy~~ deputed for the purpose.

Draft C 2 & 3

27/11/96
For Secretary.

To The Deputy Commr Chitaldrug District, with records & copy of Govt

ಅಧಿಕಾರಿಯವರು ಜಾರಿಮಾಡುವಂತೆ

ಶಿರಸ್ತೇದಾರರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ

ಎಂದು ತಿಳಿಸಲಾಗಿದೆ.

By Order

Draft

11/11/96

for Secretary.

ಮೇಲಿನ ಅರ್ಜಿಯಲ್ಲಿ ಅಳತೆ ಅಧಿಕಾರಿಯವರು

ತಿಳಿಸಿರುವಂತೆ ಕಾರ್ಯಾಚರಣೆ (1) ಪ್ರಸ್ತುತದಲ್ಲಿ

ಸಾಗುವಳಿ ಚೀಟಿ ಕೊಟ್ಟಿರುವುದು, (2) ಪಿತ್ರಾರ್ಜಿತ

ಹಕ್ಕಿನಲ್ಲಿ ಪಿತೃಗೆ ಸೇರಿದ್ದು (3) ಮೇಲ್ಮನವಿ

ಹಕ್ಕಿನಲ್ಲಿರುವ ಹಕ್ಕನ್ನು ಕಿತ್ತುಕೊಳ್ಳಲು ಸಾಧ್ಯವಿಲ್ಲದ

ಕಾರಣ ಅರ್ಜಿಯನ್ನು ತಿರಸ್ಕರಿಸಲಾಗಿದೆ

ಎಂದು ತಿಳಿಸಲಾಗಿದೆ.

By Order

11/11/96

for Secretary.

S.V.